

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Morton Denlow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	99 C 6926	DATE	9/25/2000
CASE TITLE	Euromarket Designs, Inc. vs. Crate Barrel Ltd.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Motion hearing held and continued to 10/10/00 at 11:30 a.m. on Plaintiff's motion for an order holding Crate and Barrel Limited in contempt [36-1]. Plaintiff's motion for rule to show cause is granted. [36-2]. Enter Rule to Show Cause returnable 10/10/00 at 11:30 a.m. why Crate and Barrel Limited should not be held in contempt of court for failing to comply with the June injunction and the Final Judgment. Proposed order of contempt attached.
- (11) ☒ [For further detail see attachment to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials	EO-7 FILED FOR DOCKETING 00 SEP 25 PM 4: 00	number of notices	Document Number 38
			SEP 26 2000 date docketed	
			[Signature] docketing deputy initials	
			9/25/2000 date mailed notice	
			DK	
Date/time received in central Clerk's Office		mailing deputy initials		

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Euromarket Designs, Inc.
d/b/a Crate & Barrel

Plaintiff,

vs.

Crate & Barrel Limited

Defendants.

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Civil Action No. 99 C 6926

Hon. Judge Morton Denlow

DOCKETED

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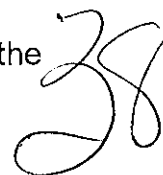
ORDER

Plaintiff, EUROMARKET DESIGNS, INC. d/b/a CRATE & BARREL
("Plaintiff"), has moved this Court, with notice to Defendant, CRATE & BARREL
LIMITED ("Defendant"), for an Order of Contempt pursuant to Local Rule 37.1.

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. On June 21, 2000, this Court entered an Injunction Order against Defendant permanently enjoining Defendant and all others in active concert or participation with Defendant from using the "createandbarrel.ie" domain name and from using Plaintiff's trademark CRATE & BARREL on any web site on the Internet (the "June Injunction").
2. Specifically, the June Injunction permanently enjoined Defendant and all others in active concert or participation with Defendant from:

using the "crateandbarrel-ie.com" domain name and mark, the



"crateandbarrel.ie" domain name and mark, and any other name and mark confusingly similar to CRATE & BARREL, any colorable imitation of the CRATE & BARREL name and mark, and any other name or mark which causes or is likely to cause confusion thereof, in the United States; and

using the CRATE & BARREL or CRATE AND BARREL marks, any colorable imitation of the CRATE & BARREL name and mark and/or the CRATE AND BARREL name and mark, and any name or mark which causes or is likely to cause confusion thereof, on any web site on the Internet. (June Injunction, p. 4 ¶¶ 1, 2)

3. The June Injunction allowed the Defendant thirty days from the entry of the order, until July 21, 2000, to take all steps necessary to comply with the June Injunction. Defendant's counsel was in court on June 21, 2000, and received notice of the June Injunction. Defendant has not complied with the June Injunction, and continues to use the domain name "crateandbarrel.ie" and the CRATE AND BARREL mark on its Web site.
4. On August 3, 2000, this Court entered a Final Judgment Order (the "Final Judgment"). That same day, on August 3, 2000, Plaintiff's counsel faxed a copy of the Final Judgment to Defendant's counsel of record.
5. Despite having actual notice of the June Injunction and the Final Judgment, however, Defendant continues to use the "crateandbarrel.ie" domain name and continues to use the CRATE AND BARREL trademark on its Web site, thereby continuing to cause confusion regarding the source of Defendant's goods and services and falsely implying an association with Plaintiff and its high quality goods and services with which it uses the Mark.
6. On August 22, 2000, Plaintiff filed a Motion for an Order of Contempt pursuant to Local Rule 37.1. To this date, Defendant continues its unlawful use of

Plaintiff's trademarks.

7. The June Injunction and the Final Judgment constitute valid orders of which the Defendant had actual notice and which the Defendants continue to violate. Such clear violations of this Court's injunctions constitute a reckless disregard of this Court's orders.

8. Therefore, in order to enforce the laws of the United States, I hereby find that Defendant and all others in active concert or participation with Defendant are in contempt of court for failing to comply with the June Injunction and the Final Judgment.

9. Pursuant to Local Rule 37.1, an order shall be entered against the contemnor:

* * *

- (3) fixing the fine, if any, imposed by the court, which fine shall include the damages found, and naming the person to whom such fine shall be payable;
- (4) stating any other conditions, the performance of whereof will operate to purge the contempt; and
- (5) directing the arrest of the contemnor by the United States marshal and the confinement of the contemnor until the performance of the condition fixed in the order and the payment of the fine, or until the contemnor be otherwise discharged pursuant to law.

10. Defendant is hereby fined for such flagrant contempt in the amount of \$_____ per day that such contempt continues, which amount shall include Plaintiff's attorneys' fees in pursuing the contempt motion and be payable to Plaintiff.

11. The United States marshal or any other authorized enforcement officer shall arrest Defendant's president, director and shareholder, Miriam Peters, and all others in active concert or participation with Defendant who enter the United States. Such

person shall be confined in any metropolitan jail or in any other facility normally used by the United States marshal until such person complies with the Injunctions and terminates and abandons the use of the domain name "crateandbarrel.ie", terminates and abandons all use of the mark CRATE AND BARREL on its web site, and pays the fine set forth herein, or until such person is otherwise discharged pursuant to law.

DATE: _____

Morton Denlow
United States Magistrate Judge
Northern District of Illinois